**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23RD DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA**

**MISCELLANEOUS FIRST APPEAL NO. 5596 OF 2022 (AA)**

**BETWEEN:**

NATIONAL HIGHWAY AUTHORITY OF INDIA,
PIU - MANGALORE
DOOR NO.3-29, BETHEL
THARETHOTA, NEAR PUMPWELL(NH-66),
MANGALORE - 575 005
REPRESENTED BY ITS PROJECT DIRECTOR.

...APPELLANT

(BY SRI. SHOBHITH N. SHETTY, ADVOCATE)

**AND:**

AISABI
W/O IBRAHIM BEARY
(SINCE DEAD REP. BY HER LRS)

1. HASAINAR SAHEB
   S/O AISABI
   AGED ABOUT 58 YEARS

2. JOHARA A.K
   D/O AISABI
   AGED ABOUT 55 YEARS

3. AASMA
   DAUGHTER IN LAW OF AISABI
   AGED ABOUT 43 YEARS

Digitally signed by MAHALAKSHMI B M
Location: HIGH COURT OF KARNATAKA

4. AYISHA
GRAND DAUGHTER OF AISABI
AGED ABOUT 22 YEARS

5. HASEENA
GRAND DAUGHTER OF AISABI
AGED ABOUT 20 YEARS

6. SIPANA
GRAND DAUGHTER OF AISABI
AGED ABOUT 20 YEARS

ALL ARE RESIDING AT
"AISABI COMPLEX", KANNUKERE,
THEKKATTE VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT.

7. THE COMPETENT AUTHORITY
AND ASSISTANT COMMISSIONER
KUNDAPURA SUB DIVISION,
KUNDAPURA.

8. THE DEPUTY COMMISSIONER
AND ARBITRATOR,
UDUPI DISTRICT, UDUPI.

…RESPONDENTS

(NOTICE TO R1, R2, R4 AND R5 IS HELD SUFFICIENT, VIDE ORDER DATED 09.10.2023; R1 TO R8 ARE SERVED)

THIS MFA IS FILED UNDER SECTION 37(1)(c) OF THE ARBITRATION AND CONCILIATION ACT, AGAINST THE JUDGMENT AND DECREE DATED 30.10.2021 PASSED IN A.S.NO.153/2016 ON THE FILE OF THE PRL. DISTRICT JUDGE AT UDUPI, DISMISSING THE ARBITRATION SUIT FILED UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATION ACT 1996.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

**ORAL JUDGMENT**

Learned counsel for the appellants has filed a memo for withdrawal which reads as under:

> "*The appellant most respectfully submits that above case has been filed against respondents challenging order/award dated 30.10.2021 in A.S.No.153/2016. Subsequently, the respondents filed an Ex.59/2022 before Hon'ble District & Sessions Judge, Udupi, now the Ex.59/2022 has been amicably settled before National Lok-Adalath on 14/03/2026 and Ex.59/2022 has been closed as per the Memorandum of settlement dated 12.03.2026 and the appellant (NHAI) has deposited a sum of Rs.7,95,000/- (Rupees Seven lakhs Ninety five thousand only) before Hon'ble District & Sessions Judge at Udupi. Therefore, appellant in the above case does not wish to proceed against the respondents in the above matter, therefore it is most respectfully prayed that this Hon'ble Court may kindly be pleased to dismiss the above case as withdrawn in the interest of justice and equity*."

2. The memo is duly signed by appellant as well as the learned counsel appearing for appellant respectively.

3. The said memo is taken on record.

4. In view of the above memo, the appeal is ***dismissed*** as withdrawn.

**Sd/-**

**JUSTICE K.S. HEMALEKHA**

SSD
List No.: 1 Sl No.: 28